

1.1 moves to amend H.F. No. 3698 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2014, section 13.6905, is amended by adding a
1.4 subdivision to read:

1.5 Subd. 34. **Oil and other hazardous substances transportation data.** Certain
1.6 data on oil and other hazardous substances transportation by railroads are governed by
1.7 section 219.925, subdivision 6.

1.8 Sec. 2. Minnesota Statutes 2014, section 13.7411, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 10. **Prevention and response plans.** Certain data on prevention and response
1.11 plans are governed by section 115E.042, subdivision 7.

1.12 Sec. 3. Minnesota Statutes 2014, section 115E.042, is amended to read:

1.13 **115E.042 PREPAREDNESS AND RESPONSE FOR CERTAIN RAILROADS.**

1.14 Subdivision 1. **Application.** In addition to the requirements of section 115E.04,
1.15 a person who owns or operates railroad car rolling stock transporting a unit train must
1.16 comply with this section.

1.17 Subd. 2. **Training.** (a) Each railroad must offer training to each fire department,
1.18 and each local organization for emergency management under section 12.25, having
1.19 jurisdiction along the route of unit trains routes over which oil and other hazardous
1.20 substances are transported. Initial training under this subdivision must be offered to each
1.21 fire department by June 30, 2016, and Refresher training must be offered to each fire
1.22 department and local organization for emergency management at least once every three
1.23 years thereafter after initial training under this subdivision.

2.1 (b) The training must address the general hazards of oil and hazardous substances,
2.2 techniques to assess hazards to the environment and to the safety of responders and the
2.3 public, factors an incident commander must consider in determining whether to attempt to
2.4 suppress a fire or to evacuate the public and emergency responders from an area, and other
2.5 strategies for initial response by local emergency responders. The training must include
2.6 suggested protocol or practices for local responders to safely accomplish these tasks.

2.7 Subd. 3. **Coordination.** ~~Beginning June 30, 2015,~~ Each railroad must communicate
2.8 at least annually with each county or city emergency manager, safety representatives of
2.9 railroad employees governed by the Railway Labor Act, and a senior fire department
2.10 officer of each fire department having jurisdiction along the route of a unit train routes
2.11 over which oil and other hazardous substances are transported, to:

2.12 (1) ensure coordination of emergency response activities between the railroad and
2.13 local responders; and

2.14 (2) assist emergency managers identify and assess local threats, hazards, and risks in
2.15 areas (i) having high population concentration, or (ii) in which key facilities are located.

2.16 Subd. 4. **Response capabilities; time limits.** (a) Following confirmation of a
2.17 discharge, a railroad must deliver and deploy sufficient equipment and trained personnel to
2.18 contain and recover discharged oil or hazardous substances and to protect the environment
2.19 and public safety.

2.20 (b) Within one hour of confirmation of a discharge, a railroad must provide a
2.21 qualified company employee to advise the incident commander. The employee may be
2.22 made available by telephone, and must be authorized to deploy all necessary response
2.23 resources of the railroad.

2.24 (c) Within three hours of confirmation of a discharge, a railroad must be capable of
2.25 delivering monitoring equipment and a trained operator to assist in protection of responder
2.26 and public safety. A plan to ensure delivery of monitoring equipment and an operator to a
2.27 discharge site must be provided each year to the commissioner of public safety.

2.28 (d) Within three hours of confirmation of a discharge, a railroad must provide qualified
2.29 personnel at a discharge site to assess the discharge and to advise the incident commander.

2.30 (e) A railroad must be capable of deploying containment boom from land across
2.31 sewer outfalls, creeks, ditches, and other places where oil or hazardous substances
2.32 may drain, in order to contain leaked material before it reaches those resources. The
2.33 arrangement to provide containment boom and staff may be made by:

2.34 (1) training and caching equipment with local jurisdictions;

2.35 (2) training and caching equipment with a fire mutual-aid group;

2.36 (3) means of an industry cooperative or mutual-aid group;

3.1 (4) deployment of a contractor;

3.2 (5) deployment of a response organization under state contract; or

3.3 (6) other dependable means acceptable to the Pollution Control Agency.

3.4 (f) Each arrangement under paragraph (e) must be confirmed each year. Each
3.5 arrangement must be tested by drill at least once every five years.

3.6 (g) Within eight hours of confirmation of a discharge, a railroad must be capable of
3.7 delivering and deploying containment boom, boats, oil recovery equipment, trained staff,
3.8 and all other materials needed to provide:

3.9 (1) on-site containment and recovery of a volume of oil equal to ten percent of the
3.10 calculated worst case discharge at any location along the route; and

3.11 (2) protection of listed sensitive areas and potable water intakes within one mile of
3.12 a discharge site and within eight hours of water travel time downstream in any river
3.13 or stream that the right-of-way intersects.

3.14 (h) Within 60 hours of confirmation of a discharge, a railroad must be capable of
3.15 delivering and deploying additional containment boom, boats, oil recovery equipment,
3.16 trained staff, and all other materials needed to provide containment and recovery of a
3.17 worst case discharge and to protect listed sensitive areas and potable water intakes at any
3.18 location along the route.

3.19 Subd. 5. **Railroad Environmental response drills.** Each railroad must conduct at
3.20 ~~least one~~ oil containment, recovery, and sensitive area protection ~~drill~~ exercises as follows:
3.21 (1) at least one tabletop exercise every year; and (2) at least one full-scale exercise every
3.22 three years, at a location and time and in the manner chosen by the Pollution Control
3.23 Agency, and attended by safety representatives of railroad employees governed by the
3.24 Railway Labor Act. To the extent feasible, the commissioner of the Pollution Control
3.25 Agency shall coordinate each exercise with exercises required by federal agencies.

3.26 Subd. 6. **Prevention and response plans; submission requirements.** (a) ~~By~~
3.27 ~~June 30, 2015,~~ A railroad shall submit the prevention and response plan required under
3.28 section 115E.04, as necessary to comply with the requirements of this section, to the
3.29 commissioner of the Pollution Control Agency on a form designated by the commissioner.

3.30 (b) ~~By June 30 of~~ In every third year following a plan submission under this
3.31 subdivision, or sooner as provided under section 115E.04, subdivision 2, a railroad must
3.32 update and resubmit the prevention and response plan to the commissioner.

3.33 Subd. 7. **Environmental response plan; data, plan sharing.** (a) A prevention and
3.34 response plan provided under this section is nonpublic data, as defined under section
3.35 13.02, subdivision 9.

4.1 (b) Upon request, the commissioner of the Pollution Control Agency must make
4.2 applicable prevention and response plans available to a requesting emergency manager
4.3 or fire chief having jurisdiction along the routes over which oil and other hazardous
4.4 substances are transported. The data received under this paragraph by an emergency
4.5 manager or fire chief are nonpublic data, as defined under section 13.02, subdivision 9.

4.6 **Sec. 4. [219.925] INCIDENT EMERGENCY RESPONSE; PREPAREDNESS**
4.7 **AND INFORMATION.**

4.8 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
4.9 have the meanings given them.

4.10 (b) "Emergency manager" means the director of a local organization for emergency
4.11 management under section 12.25.

4.12 (c) "Hazardous substance" has the meaning given in Code of Federal Regulations,
4.13 title 49, section 171.8.

4.14 (d) "Oil" has the meaning given in section 115E.01, subdivision 8.

4.15 (e) "Rail carrier" means a railroad company that is:

4.16 (1) defined as a common carrier under section 218.011;

4.17 (2) classified by federal law or regulation as Class I Railroad, Class I Rail Carrier,
4.18 Class II Railroad, Class II Carrier, Class III Railroad, or Class III Carrier; and

4.19 (3) operating in this state.

4.20 Subd. 2. **Traffic review.** Within ten business days of receiving a written request, a
4.21 rail carrier shall provide a traffic review to a requesting emergency manager or fire chief
4.22 having jurisdiction along the routes over which oil and other hazardous substances are
4.23 transported. The traffic review under this subdivision must include information on the
4.24 types and volumes of oil and other hazardous substance transported through the requester's
4.25 jurisdiction during the prior calendar year.

4.26 Subd. 3. **Emergency response planning; sensitive information.** (a) Upon written
4.27 request, a rail carrier shall provide sensitive planning information to an emergency
4.28 manager or fire chief having jurisdiction along the routes over which oil and other
4.29 hazardous substances are transported. Upon written request, an emergency manager or fire
4.30 chief shall provider sensitive planning information to a rail carrier.

4.31 (b) Sensitive planning information under this subdivision consists of information
4.32 on types of rail carrier facilities, potential security threats or terrorism targets,
4.33 environmentally sensitive or significant areas, and emergency response capabilities.

4.34 Subd. 4. **Emergency response planning; coordination meetings.** (a) Within
4.35 30 days of receiving a written request, a rail carrier must be available to meet with a

5.1 requesting emergency manager or fire chief having jurisdiction along the routes over
 5.2 which oil and other hazardous substances are transported, concerning emergency response
 5.3 planning and coordination.

5.4 (b) At a meeting held under this subdivision, a rail carrier must provide:

5.5 (1) a review of the rail carrier's emergency response planning; and

5.6 (2) inventory information on emergency response involving oil or other hazardous
 5.7 substance, consisting of:

5.8 (i) equipment owned by the rail carrier, including equipment type and location; and

5.9 (ii) response personnel of the rail carrier, including contact information and location.

5.10 Subd. 5. **Real-time emergency response information.** The commissioner of public
 5.11 safety shall, through the Minnesota Fusion Center, receive and disseminate emergency
 5.12 response information as provided under section 7302 of the FAST Act of 2015, Public
 5.13 Law 114-94, and federal regulations adopted under that section.

5.14 Subd. 6. **Transportation and response planning data.** Any data provided to an
 5.15 emergency manager, fire chief, or the commissioner of public safety under subdivisions 2
 5.16 to 5 are nonpublic data, as defined under section 13.02, subdivision 9.

5.17 Sec. 5. Minnesota Statutes 2014, section 299A.55, is amended to read:

5.18 **299A.55 RAILROAD AND PIPELINE SAFETY INCIDENT**
 5.19 **PREPAREDNESS; OIL AND OTHER HAZARDOUS MATERIALS SUBSTANCES.**

5.20 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms
 5.21 have the meanings given them.

5.22 (b) "Applicable rail carrier" means a railroad company that is subject to an
 5.23 assessment under section 219.015, subdivision 2.

5.24 (c) "Hazardous substance" has the meaning given in ~~section 115B.02, subdivision 8~~
 5.25 Code of Federal Regulations, title 49, section 171.8.

5.26 (d) "Oil" has the meaning given in section 115E.01, subdivision 8.

5.27 (e) "Pipeline company" means any individual, partnership, association, or public
 5.28 or private corporation who owns and operates pipeline facilities and is required to show
 5.29 specific preparedness under section 115E.03, subdivision 2.

5.30 Subd. 2. **Railroad and pipeline safety incident account.** (a) A railroad and
 5.31 pipeline safety incident account is created in the special revenue fund. The account
 5.32 consists of funds collected under subdivision 4 and funds donated, allotted, transferred, or
 5.33 otherwise provided to the account.

6.1 (b) ~~\$104,000~~ \$150,000 is annually appropriated from the railroad and pipeline safety
 6.2 incident account to the commissioner of the Pollution Control Agency for environmental
 6.3 protection activities related to railroad discharge preparedness under chapter 115E.

6.4 (c) Following the appropriation in paragraph (b), the remaining money in the
 6.5 account is annually appropriated to the commissioner of public safety for the purposes
 6.6 specified in subdivision 3.

6.7 Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this
 6.8 subdivision, the commissioner shall provide funds for training and response preparedness
 6.9 related to (1) derailments, discharge incidents, or spills involving trains carrying oil or
 6.10 other hazardous substances, and (2) pipeline discharge incidents or spills involving oil
 6.11 or other hazardous substances.

6.12 (b) The commissioner shall allocate available funds as follows:

6.13 (1) \$100,000 annually for emergency response teams; and

6.14 (2) the remaining amount to the Board of Firefighter Training and Education under
 6.15 section 299N.02 and the Division of Homeland Security and Emergency Management.

6.16 (c) Prior to making allocations under paragraph (b), the commissioner shall consult
 6.17 with the Fire Service Advisory Committee under section 299F.012, subdivision 2.

6.18 (d) The commissioner and the entities identified in paragraph (b), clause (2), shall
 6.19 prioritize uses of funds based on:

6.20 (1) firefighter training needs;

6.21 (2) community risk from discharge incidents or spills;

6.22 (3) geographic balance; ~~and~~

6.23 (4) risks to the general public; and

6.24 (5) recommendations of the Fire Service Advisory Committee.

6.25 (e) The following are permissible uses of funds provided under this subdivision:

6.26 (1) training costs, which may include, but are not limited to, training curriculum,
 6.27 trainers, trainee overtime salary, other personnel overtime salary, and tuition;

6.28 (2) costs of gear and equipment related to hazardous materials readiness, response,
 6.29 and management, which may include, but are not limited to, original purchase,
 6.30 maintenance, and replacement;

6.31 (3) supplies related to the uses under clauses (1) and (2); ~~and~~

6.32 (4) emergency preparedness planning and coordination;₂

6.33 (5) life-safety emergency response exercises, including coordinated or comprehensive
 6.34 exercises in conjunction with the requirements under section 115E.042, subdivision 5; and

6.35 (6) public education and outreach, including but not limited to:

7.1 (i) informing and engaging the public regarding hazards of derailments and
7.2 discharge incidents;
7.3 (ii) assisting in development of evacuation readiness;
7.4 (iii) undertaking public information campaigns; and
7.5 (iv) providing accurate information to the media on likelihood and consequences of
7.6 derailments and discharge incidents.

7.7 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
7.8 safety incident account provided for the purposes under this subdivision, the commissioner
7.9 may retain a balance in the account for budgeting in subsequent fiscal years.

7.10 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess
7.11 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
7.12 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
7.13 and pipeline safety incident account under subdivision 2.

7.14 (b) The assessment for each railroad is 50 percent of the total annual assessment
7.15 amount, divided in equal proportion between applicable rail carriers based on route miles
7.16 operated in Minnesota. The assessment for each pipeline company is 50 percent of the
7.17 total annual assessment amount, divided in equal proportion between companies based
7.18 on the yearly aggregate gallons of oil and hazardous substance transported by pipeline
7.19 in Minnesota.

7.20 (c) The assessments under this subdivision expire July 1, 2017.

7.21 Sec. 6. **REVISOR'S INSTRUCTION.**

7.22 The revisor of statutes shall recodify Minnesota Statutes, section 115E.042,
7.23 subdivision 2, as Minnesota Statutes, section 219.925, subdivision 7, and Minnesota
7.24 Statutes, section 115E.042, subdivision 3, as Minnesota Statutes, section 219.925,
7.25 subdivision 8. The revisor shall correct any cross-references made necessary by this
7.26 recodification.

7.27 Sec. 7. **EFFECTIVE DATE.**

7.28 Unless specified otherwise, this act is effective July 1, 2016."

7.29 Amend the title accordingly